

STATE OF TEXAS §
COUNTIES OF ARANSAS §
SAN PATRICIO AND NUECES §
CITY OF ARANSAS PASS §

On this the 21st day of October, 2013 the City Council of the City of Aransas Pass convened in a Regular Meeting being open to the Public at the regular meeting place thereof in the City Hall and notice of said meeting giving the time, place, date and subject hereof having been posted and prescribed by Chapter 551 of the Texas Government Code with the following attendance to wit constituting a quorum.

PRESENT: Adan Chapa Mayor
Phillip Hyatt Mayor Pro Tempore
Ramiro Gomez Council Member
Billy Ellis Council Member
Vickie Abrego Council Member

ABSENT:

ADMINISTRATIVE
PERSONNEL PRESENT: Allen Lawrence City Attorney
Sylvia Carrillo City Manager
Yvonne Stonebraker City Secretary

ADMINISTRATIVE
PERSONNEL ABSENT:

STAFF PRESENT: Bill Haines EMC/Admin. Coordinator
Amanda Torres Administrative Assistant
Jacob Ostrom APAC Assistant Director
Jon Pierre Gonzales Head Meter Reader
Eric Blanchard Chief of Police
Michael Holmes Building Official
Jeff Martin IT Director
Paul Alvarado Public Works Director
Donna Cox Interim Finance Director
Rick Kilgore Fire Chief

OTHERS PRESENT: Ernie & Olivia Torres, Angela Gutierrez, Dwight D. Ross, Donald & Jeanie Brummett, Lupe & Estela Torres, Mary Sue Eulitz, Glynda Naylor, Kathy Steele, Annita West, Rosemary Vega, Tom Atkinson, Dennis & Carolina Peacock, Jean Hunter, Barbara Oxford, Carol Salinas, Irma H. Schriene, Rosemary Vega, Tom Atkinson

There may have been others present who did not sign in.

1. **CALL MEETING TO ORDER.**

Mayor Chapa called the meeting to order at 7:00 P.M. on October 21, 2013.
2. **INVOCATION AND PLEDGE OF ALLEGIANCE TO THE UNITED STATES FLAG.**

Mayor Chapa gave the invocation and led the Pledge of Allegiance to the United States Flag.
3. **CONSENT AGENDA.**

A. **CONSIDER AND ACT ON REVISION OF AUGUST 5, 2013 MINUTES.**

- B. CONSIDER AND ACT ON MINUTES OF SEPTEMBER 3, SEPTEMBER 16, AND OCTOBER 7, 2013.
- C. CONSIDER AND ACT ON ORDINANCE NO. 2013-4048 – AN ORDINANCE OF THE CITY OF ARANSAS PASS, TEXAS, AMENDING CHAPTER 19.5 – PARKS AND RECREATION, OF THE CODE OF ORDINANCES, PROVIDING A REPEALER CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE.
- D. CONSIDER AND ACT ON ORDINANCE NO. 2013-4049 – AN ORDINANCE OF THE CITY OF ARANSAS PASS, TEXAS, AMENDING CHAPTER 18 – OFFENSES AND MISCELLANEOUS PROVISIONS, SECTION 18.4 THRU 18.7, PERTAINING TO CURFEW FOR MINORS, OF THE CODE OF ORDINANCES, PROVIDING A REPEALER CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE.
- E. CONSIDER AND ACT ON ORDINANCE NO. 2013-4050 – AN ORDINANCE REPEALING CHAPTER 21 OF THE CODE OF ORDINANCES OF THE CITY OF ARANSAS PASS, TEXAS, AND ADOPTING A NEW CHAPTER 21 – PEDDLERS; PROVIDING A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.
- F. CONSIDER AND ACT ON ORDINANCE NO. 2013-4051 – AN ORDINANCE AMENDING CHAPTER 15 – JUNKED, ABANDONED OR UNCLAIMED PROPERTY; ARTICLE I – IN GENERAL; AND ARTICLE II – ABANDONED AND/OR JUNKED MOTOR VEHICLES AND BOATS; OF THE CODE OF ORDINANCES OF THE CITY OF ARANSAS PASS, TEXAS, PROVIDING A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Chapa stated that there was a problem with Item B in the Consent Agenda. The October 7, 2013 minutes were held because of problems with the Municipal Development District vote in Agenda Item 12, Consider and Act on Appointments to City of Aransas Pass Boards and Commissions. City Manager Carrillo explained that one of the council members voted an extra time; therefore there was not a tie between two of the applicants. A revote for the open MDD positions will be held on November 4.

Mayor Chapa also stated that there was a problem with Agenda Item 4, Consider and Act on a 36-month Collateral Agreement Agreement between the City of Aransas Pass, Prosperity Bank and the Federal Home Loan Bank of Dallas. The vote was not approved 4-1 because Mayor Pro Tem Hyatt had not arrived yet and Council member Abrego abstained from the vote.

Mayor Pro Tem Hyatt made a motion to approve the Consent Agenda with the exception of October 7, 2013 minutes with corrections. Council member Abrego seconded the motion and the motion carried unanimously.

- 4. PUBLIC HEARING ON REQUEST OF STANLEY BRANT TO REZONE TO (R-7A) RESIDENTIAL DISTRICT. THE PROPERTY IS DESCRIBED AS LOTS 1 & 2, VISTA DEL MAR ADDITION, ACRES 0.184, CORNER OF ARCH AND DANFORTH. THE PROPERTY IS ZONED (GB) GENERAL BUSINESS DISTRICT.

City Manager Carrillo explained that Mr. Brant came before the Planning and Zoning Commission on October 14. He has requested a down-zoning of the property from General Business to Residential to establish his residence on the property. The Planning and Zoning Commission recommended approval of the item but it will require council action.

City Attorney Allen Lawrence opened the Public Hearing at 7:05 p.m.

Mike Francesco spoke for Stanley Brant as he was unable to attend. He asked that the Council vote in favor of the rezoning as recommended by the Planning and Zoning Commission. The surrounding properties around him are zoned residential and he would like to build a house.

No one spoke against the rezoning.

City Attorney Lawrence closed the Public Hearing at 7:07 p.m.

5. **CONSIDER AND ACT ON STANLEY BRANT TO REZONED TO (R-7A) RESIDENTIAL DISTRICT. THE PROPERTY IS DESCRIBED AS LOTS 1 & 2, VISTA DEL MAR ADDITION, ACRES 0.184, CORNER OF ARCH AND DANFORTH. THE PROPERTY IS ZONED (GB) GENERAL BUSINESS DISTRICT.**

Council member Ellis made a motion to act on the request of Stanley Brant to rezone to (R-7A) Residential District. The property is described as Lots 1 & 2, Vista Del Mar Addition, Acres 0.184, corner of Arch and Danforth. The property is zoned (GB) General Business District. Council member Gomez seconded the motion and the motion carried unanimously.

6. **PUBLIC HEARING ON REQUEST OF MICHAEL FRANCISCO FOR A CONDITION USE PERMIT TO CONSTRUCT A BARN BEFORE A MAIN STRUCTURE TO STORE EQUIPMENT, TO CLEAN LAND, DRILL WELL, AND TO PROTECT FEED FOR ANIMALS. PROPERTY IS UNDEVELOPED LAND AND IS LOCATED AT LAND BLOCK A, FARM LOT 5, ARANSAS PASS BURTON AND DANFORTH, 1040 W BEASLEY. THE PROPERTY IS ZONED (R16) RESIDENTIAL DISTRICT.**

City Attorney Lawrence opened the Public Hearing at 7:08 p.m.

Mike Francesco of Lyfetye Homes spoke in favor of his request. He stated that security is an issue in the area and he wanted a secure area to protect the items on the land. The property owner, Tom Atkinson, also spoke in favor of the request. Mr. Francesco applied for the permit in lieu of Mr. Atkinson, who was in surgery at the time. Mr. Atkinson also stated they would like to build a barn to protect his items and said that the built barn would not be visible from the road. Eventually, he will build a house on the property.

Mayor Chapa asked if the barn would be part of the original structure. Mr. Atkinson responded that while it would be detached, it would be part of the original structure of the home.

Council member Abrego asked what type of animals would be at the property. Mr. Atkinson stated that he would have horses but didn't plan to have a commercial livestock operation. Council member Abrego was concerned about allowing large animals on a residential property within city limits. City Manager Carrillo responded that the property is large enough and meets the separation requirement.

No one spoke against the request.

City Attorney Lawrence stated that the Planning and Zoning Commission recommended granting a 12-month Conditional Use Permit with a 6-month extension if necessary. City Attorney closed the Public Hearing at 7:11 p.m.

7. **CONSIDER AND ACT ON REQUEST OF MICHAEL FRANCISCO FOR A CONDITION USE PERMIT TO CONSTRUCT A BARN BEFORE A MAIN STRUCTURE TO STORE EQUIPMENT, TO CLEAN LAND, DRILL WELL, AND TO PROTECT FEED FOR ANIMALS. PROPERTY IS UNDEVELOPED LAND AND IS LOCATED AT LAND BLOCK A, FARM LOT 5, ARANSAS PASS BURTON AND DANFORTH, 1040 W. BEASLEY. THE PROPERTY IS ZONED (R16) RESIDENTIAL DISTRICT.**

Mayor Pro Tem Hyatt made a motion to approve the request of Michael Francesco for a 12-month Conditional Use Permit with a 6-month extension if necessary. Council member Gomez seconded the motion and the motion carried unanimously.

8. **CONSIDER AND ACT ON A CONN BROWN HARBOR DOCKAGE FEE AGREEMENT BETWEEN THE CITY OF ARANSAS PASS AND LEBEOUF TOWING. (RELATING TO BARGES)**

City Manager Carrillo stated that the company approached the City for temporary space for a period of three months with extensions possible at the City's normal dockage space. The company plans on occupying the same space that O'Ryan is currently occupying.

Mayor Pro Tem Hyatt asked what the payment terms of the contract would be. City Manager Carrillo stated that it would be \$125 per barge per day. Mayor Chapa asked how the City would keep track of actual usage of the space. City Manager Carrillo responded that Harbormaster Earl Buckmaster would keep track of usage and the company would be invoiced monthly for usage. She also noted that the Council should expect to see more of these requests as spaces at the LaQuinta Ship Channel and the Port of Corpus Christi fill up.

Council member Ellis made a motion to approve the Harbor Dockage Fee agreement between the City of Aransas Pass and Lebeouf Towing. Council member Abrego seconded the motion and the motion carried unanimously.

9. **CONSIDER AND ACT ON WATER/WASTEWATER STANDARD FORM CONTRACT AGREEMENTS TO PROVIDE WATER/SEWER WHERE PROPERTY IS SITUATED PARTLY OR WHOLLY BEYOND CITY LIMITS OF THE CITY OF ARANSAS PASS, STATE OF TEXAS, COUNTIES OF SAN PATRICIO, ARANSAS, AND NUECES.**

City Manager Carrillo explained that three things are considered for most municipalities that service water customers outside of their city limits: 1) tying on safely to the City's water and wastewater systems, 2) building to current building standards and 3) when the City decides to annex area, that those area would agree to a friendly annexation.

City Manager Carrillo stated that providing water and sewer services outside of the City limits is a luxury not a necessity. The water/wastewater agreement is a new product for the City and customers outside of the city limits would have to sign and agree to the terms in order to receive service.

Council member Abrego asked what agreement the City currently had in place. City Manager Carrillo responded that the City has a problem with makeshift water distribution systems where the City has provided service to one main structure and then the structure provides service to other structures nearby. This results in no backflow protection or adequate water or wastewater service.

Council member Ellis made a motion to approve a water/wastewater standard form contract agreement to provide water/sewer where property is situated partly or wholly beyond city limits of the City of Aransas Pass, State of Texas, Counties of San Patricio, Aransas and Nueces. Council member Gomez seconded the motion and the motion carried unanimously.

10. **CONSIDER AND ACT ON AUTHORIZING CITY MANAGER TO EXPEND \$12,031 FROM GENERAL FUND TO PURCHASE A CHRISTMAS TREE FOR THE CITY OF ARANSAS PASS TO BE PLACED ON THE BOULEVARD MEDIAN.**

City Manager Carrillo stated the item was a joint request from the Chamber of Commerce and City staff. The Chamber of Commerce will pay for an initial \$5,000 and the City will pay for the remaining \$12,031 out of the Parks and Recreation line item of the General Fund. Funds will be reimbursed through fundraising ventures over a period

of two years. Expending the funds from the Parks and Recreation line item would reduce the line item amount from \$35,000 to \$22,969. The tree is 24 by 34 feet with LED lighting and will be placed in the boulevard median as a holiday beautification process.

Mayor Pro Tem Hyatt asked where the Christmas tree would be stored if the purchase was approved. Chamber of Commerce President Rosemary Vega responded that the Chamber has storage space where it could be stored.

Mayor Chapa expressed his concern with the purchase of the Christmas tree and asked if lights could instead be placed by AEP or another electric service. Council member Gomez responded that while the City is expending funds, the funds will be reimbursed. He also stated that he firmly believed that the Christmas tree would be a positive asset for the City and that the Chamber would be able to raise funds necessary to reimburse the City. Council member Gomez also stated that he would personally do whatever it takes to put the tree together.

Council member Abrego asked if Council member Gomez would be involved in the fundraising for the tree. He said he had personally donated \$5,000 for the Chamber to borrow for the initial expenditure, which the Chamber fundraise and reimburse separately. City Manager Carrillo stated that the City would have an Accounts Receivable line item for the money reimbursed from the Chamber.

Council member Ellis made a motion to authorize the City Manager to expend \$12,031 from the General Fund to purchase a Christmas tree for the City of Aransas Pass to be placed on the boulevard median. Mayor Pro Tem Hyatt seconded the motion and the motion carried on a 2-1 vote with Council member Gomez and Council member Abrego abstaining.

Mary Sue Eulitz asked what the lifetime of the tree was. City Manager Carrillo responded that the tree was commercial grade.

11. **CONSIDER AND ACT ON APPROVING AGREEMENT BETWEEN THE CITY OF ARANSAS PASS POLICE DEPARTMENT AND GUARDIAN TRACKING, LLC FOR HOSTED PERSONNEL DOCUMENTATION AND EARLY INTERVENTION & RECOGNITION SOFTWARE.**

Police Chief Eric Blanchard stated that the software would centralize personnel records for the Aransas Pass Police Department. Currently, the records are fragmented among the department but the software would centralize records on one database on a hierarchy. Complaints would be entered in one location and the first-line supervisor of the officer would be notified of the complaint.

Police Chief Blanchard also noted that the software is a good area for logging training hours and noting both good and bad accomplishments by officers. He stated that he would like to make good accomplishments more public to promote continued good behavior. Any notation made on the employee would follow them anywhere within the department or within the City, if the City chose to adopt it at a later time.

City Manager Carrillo stated that the Police Department would be the test department for the rest of the City and that the City currently had no centralized location for HR files. Police Chief Blanchard also commented that the Police Department portion of the initial program would be funded by the Drug Fund.

Mayor Pro Tem Hyatt made a motion to approve the agreement between the City of Aransas Pass Police Department and Guardian Tracking, LLC. Council member Gomez seconded the motion and the motion carried unanimously.

12. CONSIDER AND ACT ON PURCHASE OF FLYGHT SUBMERGIBLE PUMP FOR THE HUFF LIFT STATION.

City Manager Carrillo stated that this was a backup pump that was in dire need for the wastewater system. There is \$40,000 budgeted for expenses of this nature and the pump would cost \$5,481.00. Any purchase over \$5,000.00 requires council approval. If the item was approved, the balance of the line item would be \$34,519.00. City Manager Carrillo explained that the pump requested has been a consistently performing pump.

Mayor Chapa asked if the pump would portable between lift stations. Public Works Director Paul Alvarado responded that it was portable.

Council member Abrego made a motion to approve the purchase of Flyght Submergible Pump for the Huff Lift Station. Mayor Pro Tem Hyatt seconded the motion and the motion carried unanimously.

13. CONSIDER AND ACT ON APPOINTMENTS TO CITY OF ARANSAS PASS BOARDS AND COMMISSIONS (ARANSAS PASS HOUSING AUTHORITY AND PLANNING & ZONING COMMISSION).

City Manager Carrillo stated that the City Council needed to pass of the Housing Authority Board but one more appointment was needed for the Planning and Zoning Commission. Carol Salinas was the additional applicant for the Commission. City Manager Carrillo asked that the Council would also pass on this item until Ms. Salinas' application was located and included in the council packet.

City Manager Carrillo noted that she had met with the Housing Authority Board and their legal counsel. There are two vacancies on the board to be filled. However, the current board members' resignation is not in effect yet. Action would have to wait until the Housing Authority Board met in November to accept resignation. The Mayor would make appointments to the Board.

14. INFORMATION TECHNOLOGY UPDATES: IWORQ WORK ORDER SYSTEM

Information Technology Director Jeff Martin gave a presentation on the City's new iWorq work order system. The Animal Control and Public Works departments are currently testing the system. The previous work order system was inefficient. The new system allows for a Cloud, web-based solution, has searchable history capabilities and works with on-line mobile devices.

Mayor Chapa asked if the program included a way to track what inventory was being used. IT Director Martin responded that the program does have that feature. He explained that the program was customizable and can be customized in-house. The program also provides a 'cost of service' report, providing metrics on what inventory was used and how much manpower it takes to complete the work.

Council member Abrego asked whether the work order system would provide a number. IT Director Martin responded that a number would not be generated if using the City website because it would be screened first then assigned a number. City Manager Carrillo responded that another loop in the process should be created to allow the complainant to know that their work order had been received and would be able to check the status. IT Director Martin responded that concern over the issue had been discussed and that the company has been responsive to the City's requests for new features.

Mayor Chapa asked how the City found iWorq. IT Director Martin responded that the City looked at several different vendors, including Incode. Incode's solution was more expensive and less portable. He stated that he hoped to eventually have an enterprise-wide solution.

Council member Abrego asked if status on work order would be available to the City Manager. IT Director Martin stated that the program was very transparent and that therefore those who use the program should be careful with what they write as notes. The program could track measuring and documenting success.

Mayor Chapa asked if there was a pre-check on items used. IT Director Martin responded that he was not sure if the program was detailed. Public Works Director Alvarado commented that the program kept track of service work on vehicles. IT Director Martin stated that iWorq provided other, much bigger products but the City was trying a limited solution to see whether it was something it wanted to pursue. In comparison, it was the best of the middle-class solutions.

City Manager Carrillo gave an example of the current way of dispatching a work order throughout the Public Works department but through the program, it would streamline the process. She stated that she would prefer to stay within Incode in the long term to tie work orders in with the financial part of the system. However, there is not a solution available within Incode that would be sufficient.

Council member Abrego asked how much the program cost. IT Director Martin and City Manager Carrillo responded that the program cost \$4,000.00 and was taken out of the IT budget. Incode should have a more portable version in Version 10; however, it would cost over \$100,000. Therefore, a patch solution is necessary until the City can make a decision on whether to upgrade its Incode version.

Mayor Chapa asked if the Harbor would be able to use the work order system. IT Director Martin explained the program is technically to be used per department; however, in order to save money, all of the departments would be included in the program.

15. **POLICE DEPARTMENT UPDATES: AGGRESSIVE SOLICITATION ORDINANCE; SEX OFFENDER RESIDENCY ORDINANCE.**

Police Chief Blanchard stated that the City Council could expect to see the panhandling or aggressive solicitation ordinance at the next Council meeting for consideration. However, he has been researching what other cities have proposed and instated but felt that other cities have less severe restrictions. Police Chief Blanchard is waiting on results of a case involving a sex offender and ordinances passed by the City of Lewisville, TX. He has been trying to contact the lawyer in charge of the case to learn of the status of the case.

In addition, Police Chief Blanchard stated he was looking into developing a cell phone restriction ordinance after receiving comments from several people.

City Manager Carrillo added that City staff was looking for direction from the Council on whether to pass a temporary, less restrictive sex offender ordinance or wait for the more restrictive ordinance from Lewisville. The proposed ordinance would only apply to child sex offenders. These offenders would not be allowed within 1,000 feet of a school, a child care facility, or each other.

Council member Abrego asked whether current sex offenders' living locations would be grandfathered in the new ordinance. Police Chief Blanchard responded that the offenders would be grandfathered until they leave that area. Both Police Chief Blanchard and City Manager Carrillo stated that this particular category of offenders is transient. City Manager Carrillo suggested that some type of ordinance be developed in the meantime.

16. **CITY MANAGER UPDATES: SMALL LOT SUBDIVISIONS; GUNS & HOSES HARBORFEST.**

City Manager Carrillo stated that a couple of developers have approached her about developing small lot subdivisions. She has asked them to come as planned unit developments. One developer is seeking a letter of support from the council but she is still working out details with the developer.

City Manager Carrillo also gave an update on the Guns & Hoses Harborfest. The Chamber of Commerce has been assisting in the pre-planning process and the City is looking at holding the event in 2014. She stated that she would bring an item before the Council and that she hoped that the event would be volunteer and donation driven.

In addition, City Manager Carrillo also mentioned that she had conducted the initial interviews for Finance Director. Two finalists would go through a panel interview in the days following. There were five applicants and City Manager Carrillo stated that there were a good range of candidates.

17. CITIZENS' COMMENTS.

Ms. Angela Gutierrez expressed concern over the potential sale of the Senior Center pool table. She stated that while she worked there, the seniors had worked together to donate money for the pool table. She asked the Council to please keep the pool table in Aransas Pass and stated that the Community Action Agency did not purchase the table.

Mayor Chapa asked Ms. Gutierrez asked if there were computers were available for seniors to use. Ms. Gutierrez responded that there were three computers that people had donated for usage. IT Director Martin added that computers were still available.

18. ADJOURNMENT OF MEETING.

Mayor Pro Tem Hyatt made a motion to adjourn the meeting. Council member Gomez seconded the motion and the motion carried unanimously.

Mayor Chapa adjourned the meeting at 8:21 P.M.

Adan Chapa, Mayor

Attest:

Yvonne Stonebraker, City Secretary